

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 024433
ORIGIN AF-10

INFO OCT-01 ISO-00 SS-15 HA-05 TRSE-00 CIAE-00 DODE-00
PM-05 H-01 INR-07 L-03 NSAE-00 PA-01 PRS-01
SP-02 NSCE-00 SSO-00 USIE-00 INRE-00 /051 R

DRAFTED BY AF/S:KMCCORMICK:DH
APPROVED BY AF:WHARROP
AF/S:LMACFARLANE
AF/I:LSHURTLEFF
D-SOXMAN (SUBS)
HA/HR:RMAXIM (SUBS)
AF/S:DKPETTERSON

-----094484 302331Z /64

O 302248Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY MASERU IMMEDIATE
INFO AMEMBASSY GABORONE IMMEDIATE

LIMITED OFFICIAL USE STATE 024433

E.O. 11652: N/A

TAGS: SHUM, LT

SUBJECT: LESOTHO HUMAN RIGHTS REPORT

REF: STATE 22819

1. FOLLOWING IS FINAL TEXT OF APPROVED UNCLASSIFIED
HUMAN RIGHTS REPORT ON LESOTHO. PLEASE CONVEY AS
SOON AS POSSIBLE TO GOL. TEXT FOLLOWS: QUOTE:

LESOTHO HAS LACKED WRITTEN LEGAL GUARANTEES OF HUMAN
RIGHTS SINCE THE SUSPENSION OF ITS CONSTITUTION IN 1970,
FOUR YEARS AFTER IT GAINED ITS INDEPENDENCE FROM GREAT
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 024433

BRITAIN. RESPECT FOR HUMAN RIGHTS HAS BEEN UNDERMINED
BY CONTINUING POLITICAL TURMOIL AND THE GOVERNMENT'S
OCCASIONALLY HEAVY-HANDED SUPPRESSION OF IT. DURING THE
PERIODS OF GREATEST TURBULENCE IN 1970 AND 1974, SEVERAL
HUNDRED PERSONS WERE KILLED IN INCIDENTS OF PROTEST
AGAINST THE REGIME, AND GREAT BRITAIN TEMPORARILY
SUSPENDED ITS PROGRAM OF BUDGET SUPPORT UNTIL ORDER

COULD BE RESTORED. IN AUGUST 1975 CATHOLIC AND PROTESTANT CLERGYMEN ENDORSED A NATIONWIDE INTERDENOMINATIONAL SERMON DEPLORING THE DEPRIVATION OF THE LESOTHO PEOPLE OF "THEIR BASIC HUMAN RIGHTS." SINCE THEN, HOWEVER, WHILE CONTINUING TO CURTAIL POLITICAL AND CIVIL LIBERTIES,

THE GOVERNMENT HAS SHOWN INCREASING RESPECT FOR THE INTEGRITY OF THE PERSON AND HAS MADE AN EFFORT TO IMPROVE THE LIVING STANDARDS OF ITS POOREST CITIZENS. INSTANCES OF ABUSE OF HUMAN RIGHTS OF ALL KINDS HAVE DECLINED AS THE REGIME HAS COME TO FEEL MORE SECURE, AS FOREIGN POLICY PROBLEMS HAVE DIVERTED ATTENTION FROM DOMESTIC DISSATISFACTION, AND AS THE NATION'S ENERGIES ARE INCREASINGLY ABSORBED BY THE PROBLEMS OF ASSURING ECONOMIC VIABILITY AND PROVIDING BASIC NEEDS.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

ISOLATED INSTANCES OF TORTURE ARE BELIEVED TO HAVE TAKEN PLACE DURING THE PERIODS OF POLITICAL TURBULENCE REFERRED TO ABOVE. DURING THE LAST TWO YEARS NO SUCH INCIDENTS HAVE BEEN ALLEGED.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 024433

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

DURING THE LAST TWO YEARS NO INSTANCES OF TREATMENT OR PUNISHMENT OF THIS KIND HAVE BEEN ALLEGED.

C. ARBITRARY ARREST OR IMPRISONMENT

OPPONENTS OF THE REGIME FACE THE POSSIBILITY OF ARBITRARY ARREST AND DETENTION FOR RENEWABLE PERIODS OF SIXTY DAYS WITHOUT CHARGE UNDER EMERGENCY SECURITY LEGISLATION ADOPTED IN 1974. WHILE THIS ACT HAS BEEN FREELY USED IN THE PAST, NO PERSONS ARE THOUGHT TO BE CURRENTLY DETAINED UNDER ITS PROVISIONS.

D. DENIAL OF FAIR PUBLIC TRIAL

NO TRIAL IS ACCORDED TO PERSONS DETAINED UNDER THE EMERGENCY SECURITY LEGISLATION REFERRED TO ABOVE. HOWEVER, THE JUDICIARY IN LESOTHO HAS REMAINED LARGELY INDEPENDENT AND WILL FOR THE MOST PART ACCORD A FAIR PUBLIC TRIAL TO PERSONS WHOSE CASES ARE BROUGHT TO THE

COURTS. OPPOSITION LEADERS WHO WERE IMPRISONED FOLLOWING THE 1974 ATTEMPT TO OVERTHROW THE GOVERNMENT RECEIVED A FULL, PUBLIC JUDICIAL HEARING AND WERE DEFENDED BY LEGAL COUNSEL OF THEIR CHOICE. NONE RECEIVED THE DEATH SENTENCE AND SEVERAL OF THE SENTENCES WERE SUCCESSFULLY APPEALED TO COURTS OF REVIEW.

ON THE TENTH ANNIVERSARY OF LESOTHO'S INDEPENDENCE IN 1976 A GENERAL AMNESTY WAS PROCLAIMED FOR MANY OF THESE IMPRISONED LEADERS. SOME 26 WHO WERE NOT INCLUDED IN THE AMNESTY STILL REMAIN IN PRISON.

E. INVASION OF THE HOME

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 024433

DESPITE THE CONTINUED EXISTENCE OF LEGAL PROVISIONS FOR DETENTION WITHOUT CHARGE, ARBITRARY INVASION OF THE HOME HAS NOT BEEN A SIGNIFICANT PROBLEM DURING THE LAST TWO YEARS.

2. GOVERNMENT POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

ONE OF THE POOREST COUNTRIES IN AFRICA, LESOTHO IS LARGELY DEPENDENT ON FOREIGN ASSISTANCE TO IMPROVE THE ECONOMIC WELFARE OF ITS PEOPLE. ITS RECORD IN ADDRESSING ITSELF TO THE NEEDS OF ITS POOREST CITIZENS HAS BEEN GOOD. HOWEVER, IN THE CENTRAL AREA OF RELATIONS WITH SOUTH AFRICA, ITS ECONOMIC NEEDS CONFLICT WITH ITS POLITICAL PRIORITIES. PRIOR TO 1977, THE GOVERNMENT FOCUSED ON ECONOMIC DEVELOPMENT AND THE USE OF DONOR ASSISTANCE TO MEET THE NEEDS OF ITS RURAL POOR IN AREAS SUCH AS AGRICULTURE, HEALTH AND EDUCATION. IN 1977, FOLLOWING INCREASED FRICTION WITH SOUTH AFRICA, LESOTHO SHIFTED TO A POLICY OF EMPHASIZING SELF-SUFFICIENCY AND ECONOMIC INDEPENDENCE FROM SOUTH AFRICA RATHER THAN DEVELOPMENT PER SE. THE NEW POLICY IMPLIES GREATER ATTENTION TO POLITICALLY RATHER THAN ECONOMICALLY MOTIVATED PROJECTS WITH THE CONSEQUENT DANGER OF A LESSENER EMPHASIS ON ATTENTION TO THE NEEDS OF THE POOR. HOWEVER, THE GOVERNMENT CONTINUES TO STRESS A DESIRE TO COMMIT THE LARGEST PART OF DONOR ASSISTANCE TO PROJECTS WHICH WILL BENEFIT THE RURAL POOR MAJORITY.

WHILE CORRUPTION EXISTS IN LESOTHO, IT HAS NOT BEEN A MAJOR PROBLEM OR DIVERTED SIGNIFICANT RESOURCES AWAY FROM THE POOR INTO THE HANDS OF A SMALL ELITE.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 05 STATE 024433

LESOTHO GOVERNMENT OFFICIALS DO NOT SET INDIVIDUAL
EXAMPLES OF OSTENTATIOUS CONSUMPTION OR CORRUPTION.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES,
INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION
AND ASSEMBLY

LESOTHO IS FREE OF RESTRICTIONS ON THOUGHT AND RELIGION.
THE RADIO AND MOST PRINTED MEDIA ARE GOVERNMENT CONTROLLED.
HOWEVER, THERE ARE SOME SMALL INDEPENDENT NEWSPAPERS
WHICH ARE OCCASIONALLY CRITICAL OF GOVERNMENT POLICIES.
UNRESTRICTED LABOR ORGANIZATION AND ACTIVITY ARE NOT
PERMITTED, BUT A TRADE UNION MOVEMENT DOES EXIST AND
UNIONS ARE ALLOWED TO BARGAIN COLLECTIVELY WITH EMPLOYERS
AND ENTER INTO CONTRACTS. THERE ARE NO LEGAL GUARANTEES
OF FREE SPEECH, AND IN PRACTICE THERE ARE RESTRICTIONS
ON FREEDOM OF SPEECH. THERE ARE SHARP RESTRICTIONS
ON FREEDOM OF ASSEMBLY FOR PURPOSES OF POLITICAL
ACTION.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN
TRAVEL AND EMIGRATION

UNTIL RECENTLY, THERE WERE FEW RESTRICTIONS ON TRAVEL
AND EMIGRATION. HOWEVER, IN DECEMBER 1977 THE GOVERNMENT
INVALIDATED LESOTHO PASSPORTS FOR TRAVEL TO BOTSWANA IN
AN EFFORT TO GAIN GREATER CONTROL OVER DISSIDENTS,
STUDENTS AND CRITICS WHO MIGHT SEEK REFUGE IN THAT
COUNTRY. ON THE OTHER HAND, LESOTHO IS GIVING STRONG
CONSIDERATION TO ACCEDING TO THE 1951 CONVENTION ON
REFUGEES AND ITS 1967 PROTOCOL, AND WELCOMES REFUGEES
FROM OTHER NATIONS INTO ITS OWN COUNTRY. THERE ARE NO
RESTRICTIONS ON DOMESTIC TRAVEL.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 06 STATE 024433

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

POLITICAL RIGHTS HAVE BEEN SHARPLY RESTRICTED BY THE
PRESENT GOVERNMENT, WHICH CAME TO POWER IN 1970 THROUGH
A COUP D'ETAT FOLLOWING ITS UNEXPECTED DEFEAT IN FREE
ELECTIONS. CHARGING ELECTION IRREGULARITIES AND THE
THREAT OF COMMUNIST-INSPIRED SUBVERSION, PRIME MINISTER

JONATHAN SUSPENDED THE CONSTITUTION, DISSOLVED PARLIAMENT, NULLIFIED THE ELECTIONS AND DECLARED A STATE OF EMERGENCY UNDER WHICH HE RULED BY DECREE UNTIL APRIL 1975. SINCE THAT TIME AN APPOINTED NATIONAL ASSEMBLY, WHICH INCLUDES SOME REPRESENTATIVES FROM THE OPPOSITION, HAS ACTED AS AN INTERIM LEGISLATIVE BRANCH. DESPITE AGITATION, NO PLANS HAVE BEEN ANNOUNCED FOR ELECTIONS, AND THE PRIME MINISTER RECENTLY STATED THAT NONE WERE CONTEMPLATED.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT OF LESOTHO HAS NOT TRIED TO COVER UP THE VIOLATIONS OF HUMAN RIGHTS THAT HAVE OCCURRED, AND IS WILLING TO DISCUSS PAST EXCESSES OPENLY. MOST GOVERNMENT OFFICIALS BELIEVE THE HUMAN RIGHTS VIOLATIONS WERE UNFORTUNATE BUT NECESSARY TO MAINTAIN LAW AND ORDER DURING SITUATIONS THREATENING CIVIL WAR. THE GOVERNMENT HAS ALLOWED OUTSIDE INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS. AN AMNESTY INTERNATIONAL REPRESENTATIVE ATTENDED THE TRIALS OF THE PERSONS CHARGED AS A RESULT OF THE JANUARY 1974 COUNTER-COUP ATTEMPT AND PROVIDED RELIEF ASSISTANCE TO THE FAMILIES OF THE IMPRISONED.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 07 STATE 024433

AMNESTY INTERNATIONAL PROTESTED THE JANUARY 1976 RE-DETENTION OF FORMER OPPOSITION LEADER KOLISANG, WHO HAD JUST BEEN RELEASED FROM 60 DAYS IMPRISONMENT. HE WAS GIVEN A FINAL RELEASE SHORTLY THEREAFTER.

UNQUOTE.

VANCE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, ANNUAL REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE024433
Document Source: CORE
Document Unique ID: 00
Drafter: KMCCORMICK:DH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780044-1184
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978017/aaaaafgg.tel
Line Count: 262
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 073bfce3-c288-dd11-92da-001cc4696bcc
Office: ORIGIN AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 228
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 25 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3783687
Secure: OPEN
Status: NATIVE
Subject: LESOTHO HUMAN RIGHTS REPORT
TAGS: SHUM, LT
To: MASERU
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/073bfce3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014